

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LOYDALE KIRVEN,

Plaintiff,

v.

Civ. no. 08-187 WJ/RLP

DR. HORNEY,

Defendant.

MEMORANDUM OPINION AND ORDER

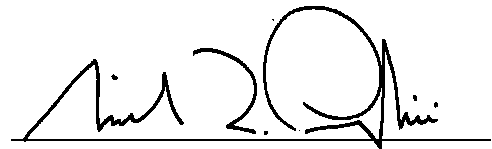
THIS MATTER comes before the Court on Plaintiff *pro se*'s "Memorandum Opinion," which the Clerk's office treated as a motion, and Defendant's Motion to Strike or, in the Alternative, Response in Opposition to "Memorandum Opinion." Plaintiff's pleading states that he was in pain and filed a grievance to be relieved of work duty. His request was denied. Defendant objects to Plaintiff's amending his complaint or wants the pleading stricken.

The Court does not construe Plaintiff's pleading as a motion to amend, nor will the Court order that the pleading be stricken. Plaintiff should follow the Federal Rules of Civil Procedure if he wishes to amend his Complaint.

IT IS THEREFORE ORDERED that Plaintiff's Memorandum Opinion [Doc. 31] is denied as moot;

IT IS FURTHER ORDERED that Defendant's Motion to Strike [Doc. 33] is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Richard L. Puglisi", is written over a horizontal line.

Richard L. Puglisi
United States Magistrate Judge